



# INDIANA STATE BOARD OF EDUCATION

**To:** Indiana State Board of Education

**From:** Chad E. Ranney, General Counsel

**Date:** April 13, 2022

**RE: Approval of Governing Body Change – Middlebury Community Schools**

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**Recommendation: Approve the proposed governing body plan change**

Pursuant to IC 20-23-8, the Board of Trustees of Middlebury Community Schools (“Middlebury”) adopted a resolution to initiate a change to Middlebury’s governing body plan. After adopting the resolution, Middlebury submitted the attached materials for the Indiana State Board of Education’s (“Board”) review and consideration, in accordance with the requirements set forth in IC 20-23-8-15.

Indiana Department of Education (“Department”) staff reviewed the attached material and determined that Middlebury’s plan and the manner in which it was initiated satisfy the requirements set forth in IC 20-23-8. As such, Middlebury’s new governing body plan is recommended for approval.

March 17, 2022

Admitted in Indiana  
and Michigan

Thomas E. Warrick  
Of Counsel

Gary D. Boyn  
James V. Woodsmall  
Cynthia S. Gillard  
Randall G. Hesser  
Timothy S. Shelly  
Andrew M. Hicks  
Dean E. Leazenby  
Christopher T. Pottratz  
Rachel A. Schnetzler\*  
Jamie R. Richardson\*\*

\*Not Admitted in Michigan  
\*\*Admitted Only in Illinois

Dr. Katie Jenner, Chair  
Indiana State Board of Education  
200 West Washington Street, Room 228  
Indianapolis, Indiana 46204

RE: Middlebury Community Schools Governing Plan

Dear Dr. Jenner:

We represent Middlebury Community School Corporation. On November 2, 2021, the Middlebury Board of School Trustees adopted a resolution to amend its governing plan pursuant to Indiana Code 20-23-8. On November 6, 2021, notice of the resolution was published in the Goshen News. A copy of the resolution and proof of publication are enclosed.

This resolution changes the districts from electoral districts to residential districts, which eliminates the need to reapportion the district boundaries under Indiana Code 20-23-8-8. All other terms of the existing governing plan remain unchanged.

The deadline for filing a petition opposing the plan was March 7, 2022. No petition was filed in the Elkhart County Clerk's Office. The only remaining step in adopting the new governing plan is certification by the State Board of Education pursuant to Indiana Code 20-23-8-15.

We ask that the Board of Education approve the new governing plan at its April 13, 2022 meeting. If you need any additional information or documents from me, please contact me at (574) 294-7491 or [cpottratz@warrickandboyn.com](mailto:cpottratz@warrickandboyn.com).

Sincerely,



Christopher T. Pottratz

CTP/afs

Enclosures

## RESOLUTION

WHEREAS, Indiana Code 20-23-8 provides that a school corporation may amend its governing plan; and

WHEREAS, the statute provides that amendment of the governing plan may be initiated by a resolution of the governing body.

NOW, THEREFORE, BE IT RESOLVED by the Board of School Trustees of the Middlebury Community Schools that the Governing Plan of the Middlebury Community Schools adopted by appropriate resolution, elected by the voters of the school corporation, and approved and certified by the Indiana State Board of Education is hereby amended and restated as follows:

- (1) The Board of School Trustees of Middlebury Community Schools shall be composed of five (5) members, and each member of said Board as it is now constituted shall continue as a member until his or her respective term of office expires.
- (2) The Board of School Trustees of the Middlebury Community Schools shall be elected in conformance with the provisions of I.C. 20-23-4 as follows:
  - a) All members of the Board of School Trustees shall be elected on a district-wide basis, with each qualified voter in the school district privileged to cast a ballot for one candidate for each vacancy to be filled.
  - b) There shall be one (1) member residing in each of the following areas:
    - The Town of Middlebury (District A)
    - That part of Middlebury Township outside the Town of Middlebury (District B)
    - That part of York Township outside the Town of Middlebury (District D)
  - c) There shall be two (2) members residing in Jefferson Township (District C).
  - d) The election of members of the Board of School Trustees shall be held at the time of the general election at which County Officials are elected.
  - e) The election of members of the Board of School Trustees shall be a non-partisan ballot.

- f) Filings for election to the Board of School Trustees shall be by petition method with each petition to bear the signatures of the candidate and at least ten (10) other registered voters residing within the boundaries of the Community Schools.
- g) Vacancies occurring on the Board of School Trustees shall be filled by appointment, which appointment shall be by the majority vote of the remaining members of the Board of School Trustees. The appointed member shall serve the remainder of the unexpired term until his successor is elected to that office. If there is a tie vote or if such appointment is not made within thirty (30) days it shall be made by the Judge of the Circuit Court in accordance with present law.

(3) The terms of office of the members of said Board of School Trustees shall be on a staggered basis to insure continuity in the conduct of the business and affairs of said Board. Current board members at the time this plan becomes effective shall continue in office for the remainder of their respective terms. Three (3) members (the members residing District A and District D and one of the members residing in District C) shall be elected in the general election held in November, 2022, for a term of four (4) years, such term of office to commence on January 1, 2023, and to expire and terminate on December 31, 2026.

Two (2) members (the member residing in District B and one member residing in District C) shall be elected in the general election held in November 2024, for a term of four years, such term of office to commence on January 1, 2025, and to expire and terminate on December 31, 2028.

In each subsequent election all members elected to said Board of School Trustees shall be for a four (4) year term, such term to begin and commence on January 1st next following their election to said Board of School Trustees.

(4) The limitations and qualifications of members of the Board of School Trustees are as follows:

a) Residential Qualifications:

- (1) A registered voter and twenty-one (21) years of age.
- (2) A resident of the School Board member electoral area in which he/she resides within the Middlebury Community

Schools for a minimum period of three (3) years immediately prior to the election.

- b) No member of the Board of School Trustees shall be an employee of the school corporation. Any employee elected to serve as a member of the Board of School Trustees shall resign their employment with the school corporation the day following the election.
- c) No member of the Board of School Trustees shall hold any other public elected office.

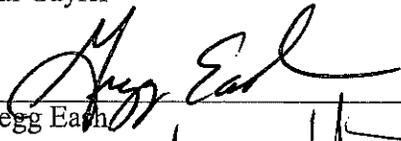
- (5) The Board of School Trustees shall organize itself at its first regular meeting in January of each year by electing the following officers:
  - a) A president
  - b) A vice-president
  - c) A secretary

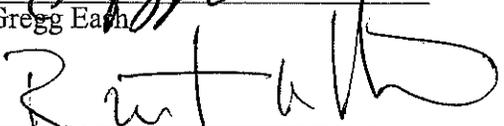
The election of the aforesaid officers shall be in accordance with the laws of the State of Indiana as may be promulgated for such purpose from time to time.

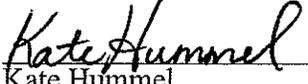
- (6) The Board of School Trustees of said Middlebury Community Schools shall have the rights, powers, duties, and liabilities vested in the governing body of a School Corporation under the laws of the State of Indiana.
- (7) Each member of said Board of School Trustees shall receive such remuneration and compensation for serving on said Board of School Trustees as set by said Board annually, and within the limits provided by law.
- (8) The Governing Plan set forth herein shall hereafter constitute and be the Plan of the Board of School Trustees of said Middlebury Community Schools, and all prior Plans are repealed upon the adoption of this Plan.
- (9) This Resolution and the Plan set forth herein shall be in full force and effect upon its adoption pursuant to I.C. 20-23-8.

Duly passed and adopted at a duly constituted meeting of the Board of School Trustees of Middlebury Community Schools this 2 day of November, 2021.

\_\_\_\_\_  
Paul Gayler

  
\_\_\_\_\_  
Gregg Earn

  
\_\_\_\_\_  
R. Mitchell Miller

  
\_\_\_\_\_  
Kate Hummel

  
\_\_\_\_\_  
Michael Varner

# Proof of Publication

COPY

Ad # 1742734

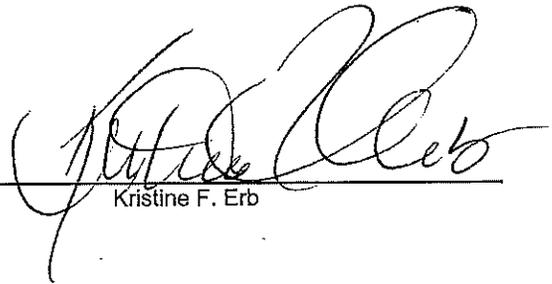
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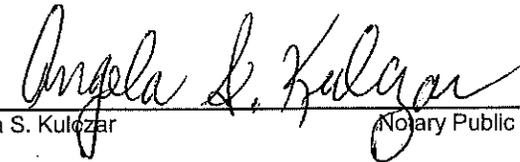
STATE OF INDIANA,  
Elkhart County, } ss:

I, being duly sworn, on oath say that THE GOSHEN NEWS is a daily newspaper of general circulation, printed and published in the City of Goshen, in the County and State of aforesaid; that the annexed true copy was published in said newspaper one consecutive week as follows:

On the day of **November 6, 2021**

  
\_\_\_\_\_  
Kristine F. Erb

Subscribed and sworn before me this day of **November 6, 2021**

  
\_\_\_\_\_  
Angela S. Kulczar Notary Public

\$130.82

My commission expires February 04, 2027  
Commission # NP0718334



The Goshen News  
114 S. Main St., Goshen, IN 46526  
ID # 82-2664009

## LEGAL NOTICE

The Board of School Trustees of Middlebury Community Schools has adopted the following Resolution to amend its Plan of School Organization. Any registered voter residing within the Middlebury Community Schools has the right to file a petition for alternative plans or a petition protesting the adoption of the plan.

### RESOLUTION

WHEREAS, Indiana Code 20-23-8 provides that a school corporation may amend its governing plan; and

WHEREAS, the statute provides that amendment of the governing plan may be initiated by a resolution of the governing body.

NOW, THEREFORE, BE IT RESOLVED by the Board of School Trustees of the Middlebury Community Schools that the Governing Plan of the Middlebury Community Schools adopted by appropriate resolution, elected by the voters of the school corporation, and approved and certified by the Indiana State Board of Education is hereby amended and restated as follows:

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    - That part of York Township outside the Town of Middlebury (District D)
  - c) There shall be two (2) members residing in Jefferson Township (District C).
  - d) The election of members of the Board of School Trustees shall be held at the time of the general election at which County Officials are elected.
  - e) The election of members of the Board of School Trustees shall be a non-partisan ballot.
  - f) Filings for election to the Board of School Trustees shall be by petition method with each petition to bear the signatures of the candidate and at least ten (10) other registered voters residing within the boundaries of the Community Schools.
  - g) Vacancies occurring on the Board of School Trustees shall be filled by appointment, which appointment shall be by the majority vote of the remaining members of the Board of School Trustees. The appointed member shall serve the remainder of the unexpired term until his successor is elected to that office. If there is a tie vote or if such appointment is not made within thirty (30) days it shall be made by the Judge of the Circuit Court in accordance with present law.
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  - c) No member of the Board of School Trustees shall hold any other public elected office.
- (5) The Board of School Trustees shall organize itself at its first regular meeting in January of each year by electing the following officers:
  - a) A president
  - b) A vice-president
  - c) A secretaryThe election of the aforesaid officers shall be in accordance with the laws of the State of Indiana as may be promulgated for such purpose from time to time.
- (6) The Board of School Trustees of said Middlebury Community Schools shall have the rights, powers, duties, and liabilities vested in the governing body of a School Corporation under the laws of the State of Indiana.
- (7) Each member of said Board of School Trustees shall receive such remuneration and compensation for serving on said Board of School Trustees as set by said Board annually, and within the limits provided by law.
- (8) The Governing Plan set forth herein shall hereafter constitute and be the Plan of the Board of School Trustees of said Middlebury Community Schools, and all prior Plans are repealed upon the adoption of this Plan.
- (9) This Resolution and the Plan set forth herein shall be in full force and effect upon its adoption pursuant to I.C. 20-23-8.

Duly passed and adopted at a duly constituted meeting of the Board of School Trustees of Middlebury Community Schools this 2nd day of November, 2021.

November 6 hspaxtp